

**SUPREME COURT MINUTES  
THURSDAY, MAY 4, 2006  
SAN FRANCISCO, CALIFORNIA**

**S126233**      C038245 Third Appellate District

**PEOPLE v. WARNER**

Supplemental briefing ordered. As announced at oral argument in this matter on May 3, 2006, the parties are directed to submit supplemental briefing on the following issue: Whether, at the time of defendant's prior conviction of sexual assault of a child, Nebraska Revised Statutes section 28-320.01 contained the same mens rea element as Penal Code section 288, subdivision (a), in that it required the defendant to harbor the specific intent to arouse or gratify the sexual desires of himself or the victim. (See *People v. Martinez* (1995) 11 Cal.4th 434, 444-445.)

Briefing is to be simultaneous and in letter form. Initial briefs are to be served and filed in the San Francisco office of the Court Clerk's office on or before May 15, 2006. Simultaneous replies are to be served and filed in the San Francisco office of the Court Clerk's office on or before May 19, 2006. The matter will be deemed submitted upon the filing of the last reply brief.

**S126715**      B152759 Second Appellate District, Div. 5      **SOUKUP v. HAFIF**

The above-entitled cases are hereby ordered consolidated for argument and decision. Because the two cases present similar issues, the court has determined that they should be argued together and that oral argument should proceed as follows:

Argument by respondent Soukup, not to exceed 30 minutes, less any time for rebuttal.

Argument by appellant Stock, not to exceed 15 minutes.

Argument by appellant Hafif, not to exceed 15 minutes.

Rebuttal, if any, by respondent Soukup.

**S126864**      B154311 Second Appellate District, Div. 5      **SOUKUP v. STOCK**

The above-entitled cases are hereby ordered consolidated for argument and decision. Because the two cases present similar issues, the court has determined that they should be argued together and that oral argument should proceed as follows:

Argument by respondent Soukup, not to exceed 30 minutes, less any time for rebuttal.

Argument by appellant Stock, not to exceed 15 minutes.

Argument by appellant Hafif, not to exceed 15 minutes.

Rebuttal, if any, by respondent Soukup.

**S142986**      B189613 Second Appellate District, Div. 2

**CADET MANUFACTURING v. S.C.  
(HASEGAWA)**

Petition for review and application for stay denied

Chin and Corrigan, JJ., were recused and did not participate.

**S045423**

**PEOPLE v. FUENTES (EDGARDO S.)**

Extension of time granted to July 7, 2006, to file appellant's opening brief.

**S048763****PEOPLE v. NELSON (SERGIO D.)**

Extension of time granted to July 7, 2006, to file appellant's reply brief.

**S064337****PEOPLE v. ROGERS (RAMON)**

Extension of time granted to May 31, 2006, to file the respondent's brief. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General Maxine P. Cutler's representation that she anticipates filing that brief by May 31, 2006.

**S072161****PEOPLE v. POTTS (THOMAS)**

Extension of time granted to July 7, 2006, to file the appellant's opening brief. After that date, no further extension is contemplated. Extension is granted based upon counsel Michael P. Golstein's representation that he anticipates filing that brief by November 13, 2006.

**S076999****PEOPLE v. SOUZA (MATTHEW A.)**

Extension of time granted to July 10, 2006, to file appellant's reply brief.

**S079925****PEOPLE v. MORA & RANGEL**

Extension of time granted to July 5, 2006, to file appellant Rangel's opening brief.

**S080837****PEOPLE v. DEBOSE (DONALD RAY)**

Extension of time granted to June 29, 2006, to file appellant's opening brief.

**S137238**

B165756 Second Appellate District, Div. 3

**ALAN v. AMERICAN HONDA MOTOR  
COMPANY**

Extension of time granted to May 24, 2006, to file respondent's, American Honda Motor Co., answer to amicus curiae brief.

**S137803****VALDEZ (TITO D.) ON H.C.**

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to the informal response is extended to June 12, 2006.

**S141790**

B180323 Second Appellate District, Div. 7

**WILSON v. 21ST CENTURY INSURANCE**

Respondent's time to serve and file the opening brief on the merits is extended to July 10, 2006. No further extensions are contemplated.

**S092410****PEOPLE v. NIEVES (SANDI D.)**

Upon request of appellant for appointment of counsel, Amitai Schwartz is hereby appointed to represent appellant Sandi Dawn Nieves for the direct appeal in the above automatic appeal now pending in this court.

**S136220****SUSPENSION DUES - NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on August 24, 2005, effective September 16, 2005, be amended nunc pro tunc to strike the name MIRIAM FRANCES TEUTSCH, #120428.

**S136220**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on August 24, 2005, effective September 16, 2005, be amended nunc pro tunc to strike the name EVA-MARIE L. BOYD, #139059.

**S142919**

B177863 Second Appellate District, Div. 8

**NUSBAUM v. DEPARTMENT OF  
CORRECTIONS**

The above entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S143057****BODDIE v. S.C. (PEOPLE)**

The above entitled matter is transferred to the Court of Appeal, First Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S143085****7 ELEVEN, INC. v. A.B.C. (JOLLY)**

The above entitled matter is transferred to the Court of Appeal, Second Appellate District.

**S143093****HENNESSEY'S TAVERN INC. v. A.B.C.**

The above entitled matter is transferred to the Court of Appeal, Fourth Appellate District.

**S141342****CARTON ON DISCIPLINE**

It is ordered that **MARK CARTON, State Bar No. 135717**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed January 5, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10, and one-half of said costs be paid with membership fees for the years 2007 and 2008. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to § 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

**S141343****HUTCHINS ON DISCIPLINE**

It is ordered that **ROBERT BRUCE HUTCHINS, State Bar No. 136790**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 30 days, as recommended by the Hearing Department of the State Bar Court in its decision filed on January 9, 2006; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S141345****FUCHS ON DISCIPLINE**

It is ordered that **JOHN ROBERT FUCHS, State Bar No. 82032** be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation or three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Decision filed on January 10, 2006. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and are enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, § 6126, subd. (c).)

**4186**

(Motion #710)

**IN THE MATTER OF THE APPLICATION  
OF THE COMMITTEE OF BAR EXAMINERS  
OF THE STATE BAR OF CALIFORNIA FOR  
ADMISSION OF ATTORNEYS**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ATTACHED LIST OF NAMES IN THE ORIGINAL ORDER.)

**C051858****VULCAN MATERIALS CO. v. W.A.C.B.**

The above entitled matter, now pending in the Court of Appeal, Third Appellate District is transferred to the Court of Appeal, Second Appellate District.